



May 18, 2004 CPC
June 15, 2004 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04SN0205

Theodore Balsamo

Matoaca Magisterial District
Grange Hall Elementary, Swift Creek Middle
and Clover Hill High School Attendance Zones
South line of Genito Road

REQUEST: Rezoning from Agricultural (A) to Residential (R-12). **THIS REQUEST LIES WITHIN THE UPPER SWIFT CREEK PLAN AREA (CASE WAS FILED ON JANUARY 12, 2004, AND AMENDED ON MARCH 19, 2004).**

PROPOSED LAND USE:

A single family residential subdivision with a minimum lot size of 15,000 square feet is planned (Proffered Condition 19). The applicant has proffered to limit development to a maximum of 254 dwelling units, yielding a density of approximately 1.83 dwelling units per acre. (Proffered Condition 4)

RECOMMENDATION

Recommend approval subject to the applicant addressing the impact of this development on capital facilities in accordance with the Board of Supervisors' Policy, for the following reasons:

- A. The proposed zoning and land use complies with the Upper Swift Creek Plan which suggests the property is appropriate for residential development of 2.0 dwelling units per acre or less.
- B. A proffered condition offers cash to assist in defraying the cost of this proposed development on capital facilities, as outlined in the Zoning Ordinance and the Comprehensive Plan. Specifically, the need for schools, parks, libraries, fire stations and transportation facilities is identified in the County's adopted Public Facilities Plan, the Capital Improvement Program and the Thoroughfare Plan and the impact of this development is discussed herein. The proffered condition

varies from that which has consistently been accepted in accordance with the Board of Supervisors' Policy. The applicant requests that the payments first be allocated to address road impacts and thereafter made to address the impact on schools, fire stations, parks and libraries. Based on this varied payment schedule, it is possible that the impact on schools, fire stations, parks and libraries would not be addressed if less than the allowable dwelling units were constructed. Therefore, the proffered condition does not adequately mitigate the impact on capital facilities and thereby not assuring that adequate service levels are maintained as necessary to protect the health, safety and welfare of County citizens.

- C. The Upper Swift Creek Plan suggests that corridors along the perennial tributaries of the Swift Creek Reservoir be preserved to maintain natural vegetation, wildlife habitats, natural drainage patterns and the water quality of the reservoir, while also permitting passive recreation. Therefore, the Plan recommends the provision of conservation: passive recreation areas along Otterdale Branch. Proffered Condition 17 provides for such an area.

- (NOTES:
- A. THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNERS MAY PROFFER OTHER CONDITIONS
 - B. IT SHOULD BE NOTED THAT REVISED AND ADDITIONAL PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES." THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THESE PROFFERS.)

PROFFERED CONDITIONS

1. The public water and wastewater systems shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, for infrastructure improvements within the service district for the property:
 - A. For the initial one hundred (100) dwelling units, \$9,000.00 per dwelling unit, if paid prior to July 1, 2004; or
 - a. The amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003, and

July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.

- b. Payments shall be made prior to subdivision plat recordation and shall be allocated for facility costs for roads.
- B. For the second one hundred (100) dwelling units, \$9,000.00 per dwelling unit, if paid prior to July 1, 2004; or
 - a. The amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.
 - b. Payments shall be made prior the issuance of the building permit and shall be allocated for facility costs for schools.
- C. For every dwelling unit in excess of two hundred (200) dwelling units, \$9,000.00 per dwelling unit, if paid prior to July 1, 2004; or
 - a. The amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit, pro-rated as set forth below, adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.
 - b. payments shall be made prior to the issuance of the building permit and shall be allocated pro-rata among the facility costs as follows: \$2,813.00 for parks and recreation, \$1,524.00 for library facilities, \$17.00 for roads, \$3,018.00 for schools, and \$1,628.00 for fire stations.
- D. At the option of the Transportation Department the cash proffer payment may be reduced for road improvements by an amount not to exceed the amount that would be paid in cash proffers for the road component, exclusive of those road improvements identified in Proffered Condition 11, performed by the applicant, subdivider, or assignee(s), as determined by the Transportation Department.
- E. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor.
- F. Should any impact fees be imposed by Chesterfield County at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)

3. A fifty (50) foot buffer required in accordance with the Subdivision Ordinance along Genito Road shall be located within recorded open space. (P)
4. The total number of residential dwelling units allowed on the Property shall not exceed 254 dwelling units. (P)
5. All dwelling units shall have a minimum gross floor area of 2500 square feet. (BI & P)
6. All dwelling units that provide a garage shall employ rear or side entry garage designs. (BI & P)
7. All exposed portions of the foundation and exposed piers supporting front porches of each new dwelling unit shall be faced with brick or stone veneer or exterior insulation and finishing systems (EIFS) materials. (BI & P)
8. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
9. Direct access from the property to Genito Road shall be limited to two (2) public roads. The exact location of these accesses shall be approved by the Transportation Department. (T)
10. In conjunction with the recordation of the initial subdivision plat, forty-five (45) feet of right of way on the south side of Genito Road, measured from the centerline of that part of Genito Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
11. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:
 - a. Construction of additional pavement along Genito Road at each approved access to provide right and left turn lanes, if warranted, based on Transportation Department standards;
 - b. Widening/improving the south side of Genito Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage except along the eastern part of the property that is approximately forty-five (45) feet in width;

- c. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in proffer condition 11, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
12. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 11, shall be submitted to and approved by the Transportation Department. (T)
13. Public Roads shall be constructed with concrete curb and gutter, with the exception of non lot frontage roads which shall be permitted to be constructed with road side ditch. (EE)
14. At a minimum, the following restrictive covenants shall be recorded for the development.

Architectural Board – The Architectural Board shall have exclusive jurisdiction over all original construction, modifications, additions or alterations made on or to all existing improvements, and the open space, if any, appurtenant thereto on all property. It shall prepare and, on behalf of the Board of Directors, shall promulgate design and development guidelines and application and review procedures, all as part of the design and environmental standards. The standards shall incorporate all restrictions and guidelines relating to development and construction contained in this Declaration as well as restrictions and guidelines with respect to location of structures upon property, size of structures, driveway and parking requirements, foundations and length of structures, and landscaping requirements. Copies shall be available from the Architectural Board for review. The guidelines and procedures shall be those of the Association, and the Architectural Board shall have sole and full authority to prepare and to amend the standards available to Owners, builders, and developers who seek to engage in development of or construction upon property within their operations strictly in accordance therewith. The Architectural Board shall initially consist of three (3) members, all appointed by the Declarant. At such times as fifty percent (50%) of all property within subject property has been developed, improved, and conveyed to purchasers in the normal course of development and sale, the Board of Directors of the Association shall have the right to appoint a maximum of two (2) additional members. At no time shall the Architectural Board have fewer than three members nor more than five (5) members. At such time as one hundred percent (100%) of all property has been developed, improved, and conveyed to purchasers in the normal course of development and sale, the Board of Directors

shall appoint all members of the Architectural Board. The declarant may, at his option, delegate to the Board of Directors its right to appoint one or more members of the Architectural Board. At all times, at least one (1) member of the Architectural Board shall be a member of the Association, and at least one (1) member shall be an architect licensed to practice in the State of Virginia, who shall also be the Chairperson.

Mailboxes – Every improved lot shall be required to have a mailbox with supporting post and streetlight of design and installation as specified in the standards. Each lot owner shall be responsible for the maintenance and operation of the fixture, support, and mailbox.

Parking – Each property owner shall provide space for the parking of automobiles off public streets prior to the occupancy of any building or structure constructed on said property in accordance with the standards.

Signs – No signs shall be erected or maintained on any property by anyone including, but not limited to, the owner, a realtor, a contractor, or a subcontractor, except as provided for in the standards or except as may be required by legal proceedings. Residential property identification and like signs not exceeding a combined total of more than one (1) square foot may be erected without the written permission of the Declarant or the Association.

Condition of Ground – It shall be the responsibility of each property owner and tenant to prevent the development of any unclean, unsightly, or unkempt conditions of buildings or grounds on such property, which shall tend to substantially decrease the beauty of the neighborhood as a whole or the specific area.

Minimum Square Footage – No plan required under these Covenants will be approved unless the proposed house or structure has a minimum square footage of enclosed dwelling space as specified in the standards. Such minimum requirement for each lot will be specified in each sales contract and stipulated in each deed. The term “enclosed dwelling area” as used in these minimum size requirements does not include garages, terraces, decks, open porches, and the like areas.

Residential Use –

- a. All lots shall be used for residential purposes exclusively. The use of a portion of a dwelling on a lot as an office by the owner or tenants thereof shall be considered a residential use if such use does not create customer or client traffic to and from the lot. No structure, except as herein after provided, shall be erected, altered, placed, or permitted to remain on any lot other than one (1) detached single family dwelling and one (1) accessory building which may include a detached private garage, provided the use of such accessory building does not overcrowd the site and provided further that such building is not used for any activity normally

conducted as business. Such accessory building may not be constructed prior to the construction of the main building.

- b. A guest suite or like facility without a kitchen may be included as part of the main dwelling or accessory building, but such suite may not be rented or leased except as part of the entire premises including the main dwelling and provided, however, that such suite would not result in overcrowding of the site.
- c. The provisions of this paragraph shall not prohibit the Developer from using a house as a model as provided in this Declaration.

Exterior Structure Completion – The exterior of all houses and other structures must be completed within one (1) year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to the strikes, fires, national emergency, or natural calamities. Houses and other dwelling structures may not be temporarily or permanently occupied until the exteriors thereof have been completed. During the continuance of construction the owner of the lot shall require the contractor to maintain the lot in a reasonable clean and uncluttered condition.

Screened Areas – Each lot owner shall provide a screened area to serve as a service yard and an area in which garbage receptacles, fuel tanks, similar storage receptacles, electric and gas meters, air conditioning equipment, clotheslines, and other unsightly objects must be placed or stored in order to conceal them from view from the road and adjacent properties. Plans for such screened area delineating the size, design, texture, appearance, and location must be approved by the Architectural Board prior to construction. Garbage receptacles and fuel tanks may be located outside of such screened area only if located underground.

Vehicle Storage – No mobile home, trailer, tent, barn, or other similar out-building or structure shall be placed on any lot at any time, either temporarily or permanently. Boats, boat trailers, campers, recreational vehicles, or utility trailers may be maintained on a lot, but only when in an enclosed or screened area approved by the Architectural Board such that they are not generally visible from adjacent properties.

Temporary Structures – No structure of a temporary character shall be placed upon any lot at any time provided, however, that this prohibition shall not apply to shelter or temporary structures used by the contractor during the construction of the main dwelling house, it being clearly understood that these latter temporary shelters may not at any time be used as residences or permitted to remain on the lot after completion of construction. The design and color of structures temporarily placed on the lot by a contractor shall be subject to reasonable aesthetic control by the Architectural Board.

Antennas – No television antenna, radio receiver or sender, or other similar device shall be attached to or installed on the exterior portion of any building or structure

or any lot, except as permitted by applicable law and except that should cable television services be unavailable and good television reception not be otherwise available, a lot owner may make written application to the Association for permission to install a television antenna and such permission shall not be unreasonably withheld.

Further Subdivision – No lot shall be subdivided or its boundary lines changed, nor shall applications for same be made to Chesterfield County, except with the written consent of the Declarant. However, the Declarant hereby expressly reserves to itself, its successors, or assigns the right to replat any lot or lots owned by it and shown on the plat of any subdivision in order to create a modified building lot or a replatted lot suitable and fit as a building site including, but not limited to, the recreational facilities, and other amenities to conform to the new boundaries of said replatted lots, provided that no lot originally shown on a recorded plat is reduced to a size smaller than the smallest lot shown on the first plat of subdivision. However the interpretation of the paragraph shall not prohibit the combining of two (2) or more contiguous lots into one (1) larger lot, only the exterior boundary lines of the resulting larger lot shall be considered in the interpretation of these covenants.

Animals – Only common household pet animals shall be permitted. All pet animals must be secured by a leash or lead, or be under the control of a responsible person and obedient to that person's command at any time they are permitted outside a residence or other enclosed area upon a lot approved by the Architectural Board for the maintenance and confinement of pet animals. No livestock including cattle, horses, sheep, goats, pigs, or poultry shall be permitted upon any lot. After giving a lot owner written notice of complaint and reasonable opportunity to remedy the situation, the Board of Directors may order the removal of any pet, which has been a nuisance or a danger.

Motor Bikes All Terrain Vehicles – No motor bikes, motorcycles, or all terrain vehicles shall be driven upon the common area, lots, or roads (unless properly licensed on roads) with the exception of licensed vehicles and mopeds which shall be operated solely upon the public streets for direct ingress and egress purposes only.

External Lighting – No external lighting shall be installed or utilized on any property, which is of such character, intensity, or location as to interfere with the use, enjoyment, and privacy of any lot or owner in the near vicinity. No neon or flashing lights shall be permitted. All external lighting shall be approved by the Architectural Board as appropriate in size, location, color, and intensity.

Swimming Pools – No swimming pool, whether in ground or above ground, whether permanent or temporary, shall be installed upon any lot without the prior written consent of the Architectural Board. The Architectural Board shall require that all swimming pools be adequately screened.

Rules and Regulations – The Board of Directors is granted and shall have the power to promulgate rules and regulations, from time to time, governing the use of and activity upon the Common Area and the Recreational Facilities (if the Recreational Facilities are owned or leased by the Association). All rules and regulations promulgated by the Board of Directors shall be published and distributed to each member of the Association at least thirty (30) days prior to their effective date. (P)

15. The two (2) southern most existing ponds shall be retained. (EE)
16. Development on the Property shall be phased as follows:
 - a. No lots shall be recorded prior to January 1, 2006
 - b. No more than one hundred (100) lots shall be recorded prior to January 1, 2007.
 - c. No more than a cumulative total of two hundred (200) lots shall be recorded prior to January 1, 2008.
 - d. The remaining lots shall be recorded after January 1, 2008. (P)
17. The developer shall provide a trail along the length of Otterdale Branch from the eastern to western parcel boundaries. The exact length, width and treatment of the trail shall be approved by the Parks and Recreation Department. The trail shall be dedicated to the county or an easement granted to the county, or shall be owned and maintained by the Homeowners Association. (P&R)
18. Temporary sediment basins shall remain in place and/or new BMP's constructed to achieve the 0.22 phosphorous standard until the downstream regional BMP into which the development will drain has been constructed. (EE)
19. All lots shall have a minimum lot area of 15,000 square feet. (P)

GENERAL INFORMATION

Location:

South of Genito Road, west of Mount Hermon Road. Tax IDs 699-690-5223, 700-688-4363 and 701-689-Part of 1119 (Sheet 8).

Existing Zoning:

Agricultural (A)

Size:

138.7 acres

Existing Land Use:

Single family residential and vacant

Adjacent Zoning and Land Use:

North and West - A; Single family residential or vacant

South and East - A; Public/semi-public (Horner Park), single family residential or vacant

UTILITIES

Public Water System:

A sixteen (16) inch water line extends along the north side of Genito Road and terminates 700 feet west of Weatherbury Place, approximately 10,000 feet east of the request site. Use of the public water system is intended and has been proffered. (Proffered Condition 1)

Public Wastewater System:

A twenty-four (24) inch wastewater trunk line extends along a portion of Otterdale Branch and terminates adjacent to the western boundary of Summer Lake Subdivision, Section 1, approximately 10,000 feet east of this site. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 1)

ENVIRONMENTAL

Drainage and Erosion:

The property drains south to Otterdale Branch to Swift Creek Reservoir. There are currently no on- or off-site drainage and erosion problems, with none anticipated after development. The property is partially wooded and should not be timbered without first obtaining a land disturbance permit from the Environmental Engineering Department (Proffered Condition 8). This will insure adequate erosion control measures are in place prior to any timbering.

Water Quality:

This portion of Otterdale Branch is a perennial stream and is therefore is subject to a one hundred (100) foot conservation area in which there are very limited uses.

The property must participate in the regional BMP program. A regional BMP is proposed within Horner Park through which the entire property will drain prior to entering Swift Creek Reservoir. Another regional BMP is located on the southwest corner of the property through which a small portion of this property will drain. Proffered Condition 18 requires temporary sediment basins remain in place and/or new BMP's constructed to achieve the 0.22 phosphorus standard until the downstream regional BMP into which the development will drain has been constructed.

Staff recommends that the larger pond in the middle of the property remain. Proffered Condition 15 provides that the two (2) southern most existing ponds shall be retained.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that Emergency Services calls are expected to increase forty-five (45) percent by 2015. Eight (8) new fire/rescue stations are recommended for construction by 2015 in the Plan. Based on 254 dwelling units, this request will generate approximately 39 calls for fire and emergency medical services each year.

The Swift Creek Fire Station, Company Number 16, currently provides fire protection and emergency medical service. The applicant has failed to address the impacts of this development on these facilities in accordance with the Board of Supervisors' Policy. (Proffered Condition 2)

When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Schools:

Approximately 135 students will be generated by this development. This site lies in the Grange Hall Elementary School attendance zone: capacity - 828, enrollment - 628; Swift Creek Middle School zone: capacity - 1,027, enrollment - 1,456; and Clover Hill High School zone: capacity - 1,582, enrollment - 2,006.

This request will have an impact on the middle and high schools involved. There are currently ten (10) trailers at Swift Creek Middle and seventeen (17) trailers at Clover Hill High.

One (1) new high school is proposed that will provide relief for Clover Hill and Manchester High Schools. The applicant has not agreed to participate in the cost of providing for area school needs in accordance with the Board of Supervisors' Policy. (Proffered Condition 2)

Libraries:

Consistent with Board of Supervisors' Policy, the impact of development on library services is assessed Countywide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Even

if the facility improvements that have been made since the Plan was published are taken into account, there is still an unmet need for additional library space throughout the County.

Development in this area would most likely impact the existing Midlothian or Clover Hill Libraries. Continued development in this area will more likely impact a proposed new facility in the Genito-Powwhite area. The Public Facilities Plan indicates a need for additional library space in this area of the County. The applicant has not offered measures to assist in addressing the impact of this development on library facilities in accordance with the Board of Supervisors' Policy. (Proffered Condition 2)

Parks and Recreation:

The Public Facilities Plan identifies the need for four (4) new regional parks. In addition, there is currently a shortage of community park acreage in the County. The Public Facilities Plan identifies a need for 625 acres of regional park space and 116 acres of community park space by 2015. The Plan also identifies the need for neighborhood parks and special purpose parks and makes suggestions for their locations and identifies the unmet demand for greenways. This development will have an impact on parks and recreation facilities. The applicant has not offered measures to assist in addressing the impact of this proposed development on these facilities in accordance with the Board of Supervisors' Policy. (Proffered Condition 2)

The Upper Swift Creek Plan suggests that corridors along the perennial tributaries of Swift Creek Reservoir should be preserved to maintain natural vegetation, wildlife habitats, natural drainage patterns and the water quality of the reservoir, while also permitting passive recreation for residents or employees in adjoining developments. Therefore, the Plan recommends the provision of conservation: passive recreation areas along Otterdale Branch. Proffered Condition 17 requires the developer to construct a trail along Otterdale Branch.

Transportation:

The property (139 acres) is currently zoned Agricultural (A). The applicant is requesting rezoning to Residential (R-12) and has proffered a maximum density of 254 units (Proffered Condition 4). Based on single-family trip rates, development could generate approximately 2,430 average daily trips. These vehicles will be distributed along Genito Road, which had a 2004 traffic count of 4,483 vehicles per day.

The Thoroughfare Plan identifies Genito Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way on Genito Road, measured from the centerline, in accordance with that Plan. (Proffered Condition 10)

Access to major arterials, such as Genito Road, should be controlled. The applicant has proffered to limit direct access to Genito Road to two (2) public roads (Proffered Condition 9). These accesses should be located towards the eastern and western property lines, approximately one thousand (1000) feet apart.

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct additional pavement along Genito Road at each approved access to provide left and right turn lanes based on Transportation Department standards; 2) improve Genito Road along the property frontage to provide an eleven (11) foot wide travel lane, a one (1) foot paved shoulder and a seven (7) foot unpaved shoulder; and 3) provide a full width overlay of Genito Road along the property frontage (Proffered Condition 11). Based on Transportation Department standards, both right and left turn lanes are warranted at each access.

Constructing the turn lanes along Genito Road may require the developer to acquire some "off-site" right-of-way. According to Proffered Condition 11, if the developer is unable to acquire the off-site right-of-way for the turn lanes along Genito Road, the developer may request the county to acquire the right-of-way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the county chooses not to assist with the right-of-way acquisition, the developer will not be obligated to acquire the "off-site" right-of-way and will only be obligated to construct road improvements within available right-of-way.

The Subdivision Ordinance requires that subdivision streets conform to the Planning Commission's Stub Road Policy, which suggests that traffic volumes on those streets should not exceed an acceptable level of 1,500 vehicles per day. In accordance with the Stub Road Policy, residential collector streets may be required through parts of the property; especially those streets that will serve future development on adjacent properties. Specific recommendations regarding the need for these residential collector streets will be addressed at time of tentative subdivision review.

Most area roads in this part of the county have little or no shoulders, fixed objects adjacent to the edge of pavement, and poor vertical and horizontal alignments. The roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Genito Road will be directly impacted by development of this property. Sections of this road have approximately twenty (20) feet of pavement with no shoulders. Genito Road can accommodate (Level of Service C) the volume of traffic it currently carries. As development continues in this part of the county, traffic volumes on area roads will substantially increase. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development (Proffered Condition 2). According to Proffered Condition 2, the entire cash proffer amount for the initial one hundred (100) lots will be allocated for road improvements. The amount of the road cash proffer may be reduced, as determined by the Transportation Department, for road improvements constructed by the developer other than those included in Proffered Condition 11. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. There are no public road improvements for this area currently included in the Six-Year Improvement Plan.

At time of tentative subdivision review, specific recommendations will be provided regarding access locations, stub roads to adjacent properties, and the proposed internal street network.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	254*	1.00
Population Increase	690.88	2.72
Number of New Students		
Elementary	60.96	0.24
Middle	33.02	0.13
High	43.18	0.17
TOTAL	137.16	0.54
Net Cost for Schools	1,231,138	4,847
Net Cost for Parks	176,022	693
Net Cost for Libraries	95,250	375
Net Cost for Fire Stations	101,854	401
Average Net Cost for Roads	1,043,686	4,109
TOTAL NET COST	2,647,950	10,425

*Based on a proffered maximum number of units. (Proffered Condition 4)

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries, and fire stations at \$10,425 per unit. The applicant has been advised that a maximum proffer of \$9,000 per unit would defray the cost of the capital facilities necessitated by this proposed development.

The applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities (Proffered Condition 2). The cash proffer varies from that consistent with your policy in that the applicant has requested the payments first be allocated to address road impacts, that portion which would be payable prior to subdivision plat recordation, and second school impacts. Thereafter, the payments would be allocated to address the impact on fire stations, parks and libraries in addition to roads and schools. The proffer indicates that the payment be allocated to roads on the first 100 units and allocated to schools on the second 100 hundred units. Doing so results in a higher proportion of funding being made available to roads and schools earlier than if the payment had been allocated proportionate with the county's calculated costs. Based on this proffer, it is possible that the impact on fire stations, parks and libraries would not be addressed in part if less than the allowable dwelling units were constructed. At the same time, roads and schools could receive payments in excess of the calculated maximum cost for each of those facility categories but not any greater than the county's established maximum cash proffer. Accordingly, staff is recommending that the applicant address his impact consistent with the county's policy.

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case. The Planning Commission and the Board of Supervisors, through their consideration of this request, may determine that there are unique circumstances relative to this case that may justify acceptance of proffers as offered.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for residential use of 2.0 dwelling units per acre or less. Staff has begun the process of amending the Upper Swift Creek Plan. Given the pending amendment, the Board of Supervisors has indicated its intent to defer final action on residential cases filed after February 11, 2004, which are located within the area of the Upper Swift Creek Plan for a period of up to one (1) year. Such deferral would allow the Board time to review recommendations or changes to the Plan and evaluate new zoning proposals accordingly. This application was filed on January 12, 2004, on 115 acres. The case was amended on March 19, 2004, to increase the acreage proposed for rezoning to a total of 138.7 acres.

Area Development Trends:

Area properties are zoned Agricultural (A) and are occupied by public/semi-public uses (Horner Park), single family residential dwellings on larger acreage parcels or are vacant. Residential development at densities consistent with the Plan is expected to continue in this area.

Site Development:

Proffered Condition 4 limits the total number of dwelling units allowed on the property to 254 dwelling units, yielding a density of approximately 1.83 dwelling units per acre.

Proffered Condition 19 requires all lots have a minimum lot area of 15,000 square feet.

House Size and Architectural Treatment:

Proffered conditions address minimum house size, foundation treatment and garage door orientation. (Proffered Conditions 5, 6 and 7)

Phasing:

In response to concerns of the Matoaca District Commissioner relative to the impact of the development on area roads and schools, a proffered condition requires phasing of the development. Ultimate build out will not occur until January 1, 2008, or later. (Proffered Condition 16)

Buffers:

The Subdivision Ordinance requires that a fifty (50) foot buffer be maintained along Genito Road. This buffer may be included within the boundaries of individual lots. It has been staff's experience that individual homeowners tend to clear these areas resulting in a zoning violation on that individual lot. To preserve the integrity of these buffers, Proffered Condition 3 requires these areas be located within recorded open space, thereby becoming the responsibility of the homeowners' association. (Proffered Condition 3)

Restrictive Covenants:

Proffered Condition 14 provides that restrictive covenants shall be recorded for the development. It should be noted that the County will only insure the recordation of the covenants and will not be responsible for their enforcement. Once the covenants are recorded, they can be changed. (Proffered Condition 14)

CONCLUSIONS

The proposed zoning and land use complies with the Upper Swift Creek Plan which suggests the property is appropriate for residential development of 2.0 dwelling units per acre or less (Proffered Condition 4). In addition, a proffered condition establishes a conservation: passive recreation area along Otterdale Creek as recommended by the Plan. (Proffered Condition 17)

However, the proffered conditions do not adequately address the impact of this development on necessary capital facilities, as outlined in the Zoning Ordinance and the Comprehensive Plan, in accordance with the Board of Supervisors' Policy. The need for schools, parks, libraries, fire stations and transportation facilities is identified in the County's adopted Public Facilities Plan, the Capital Improvement Program and the Thoroughfare Plan and the impact of this development is discussed herein. Specifically, the proffered condition varies from that which has consistently been accepted in accordance with the Board of Supervisors' Policy. The applicant requests that the payments first be allocated to address road impacts and thereafter made to address the impact on schools, fire stations, parks and libraries. Based on this varied payment schedule, it is possible that the impact on schools, fire stations, parks and libraries would not be addressed if less than the allowable dwelling units were constructed. Therefore, the proffered conditions do not adequately mitigate the impact on capital facilities in accordance with the Board of Supervisors' Policy and thereby do not ensure that adequate service levels are maintained as necessary to protect the health, safety and welfare of County citizens.

Given these considerations, approval of this request is recommended, subject to the applicant addressing the impact of this development on capital facilities in accordance with the Board of Supervisors' Policy.

CASE HISTORY

Planning Commission Meeting (5/18/04):

The applicant did not accept the recommendation, providing that the alternative payment schedule for the cash proffer was made at the request of the Matoaca District Commissioner.

There was opposition present. Citizens expressed concerns relative to increased traffic on existing roads, over-crowded schools, potential environmental impacts, Plan recommendations to control growth and rural character of area. One (1) person spoke in support of the request.

Mr. Bass stated he disagrees with staff and finds the request does not comply with the phasing recommendation of the Plan as he interprets it. He believes the development is premature since the current Plan is being revised. He added that there is a lack of infrastructure in the area to support the development and he is concerned with inadequate road conditions and schools impacts.

Mr. Gulley agreed that the request does not comply with the Plan and that the County needs to manage growth in this area. He stated that roads are dangerous and fire and EMS response times are not acceptable. He stated that he could not support the case based on health and safety issues.

On motion of Mr. Bass, seconded by Mr. Gulley, to deny the request did not carry. There was no alternate motion, therefore the case was deferred to the Commission's June 15, 2004, public hearing.

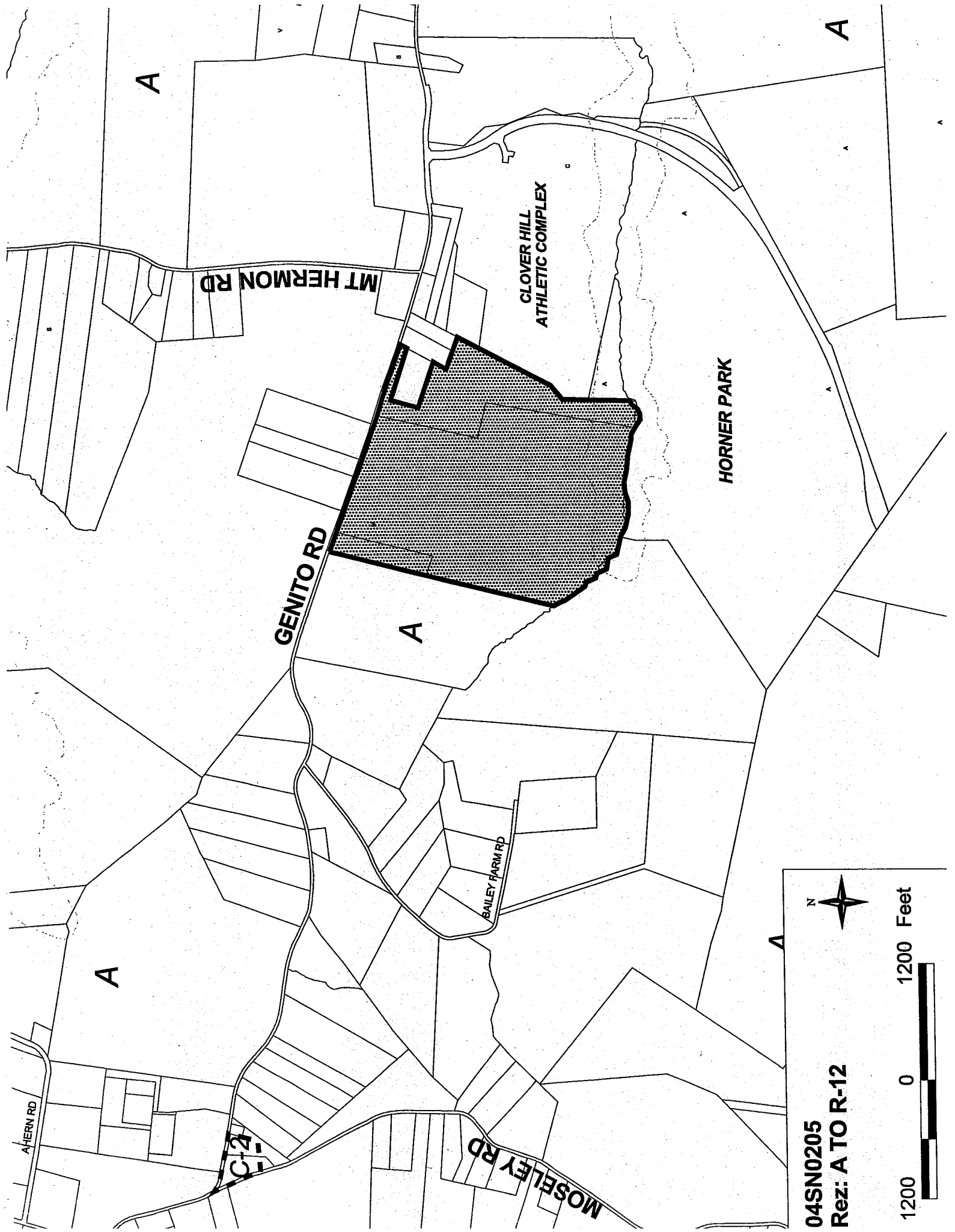
AYES: Messrs. Bass and Gulley.
NAYS: Messrs. Litton and Wilson.
ABSENT: Mr. Gecker.

Staff (5/19/04):

The applicant was advised in writing that any significant new or revised information should be submitted no later than May 24, 2004, for consideration at the Commission's June 15, 2004, public hearing.

Applicant (5/24/04):

The applicant submitted a revision to Proffered Condition 14 relative to antennas.



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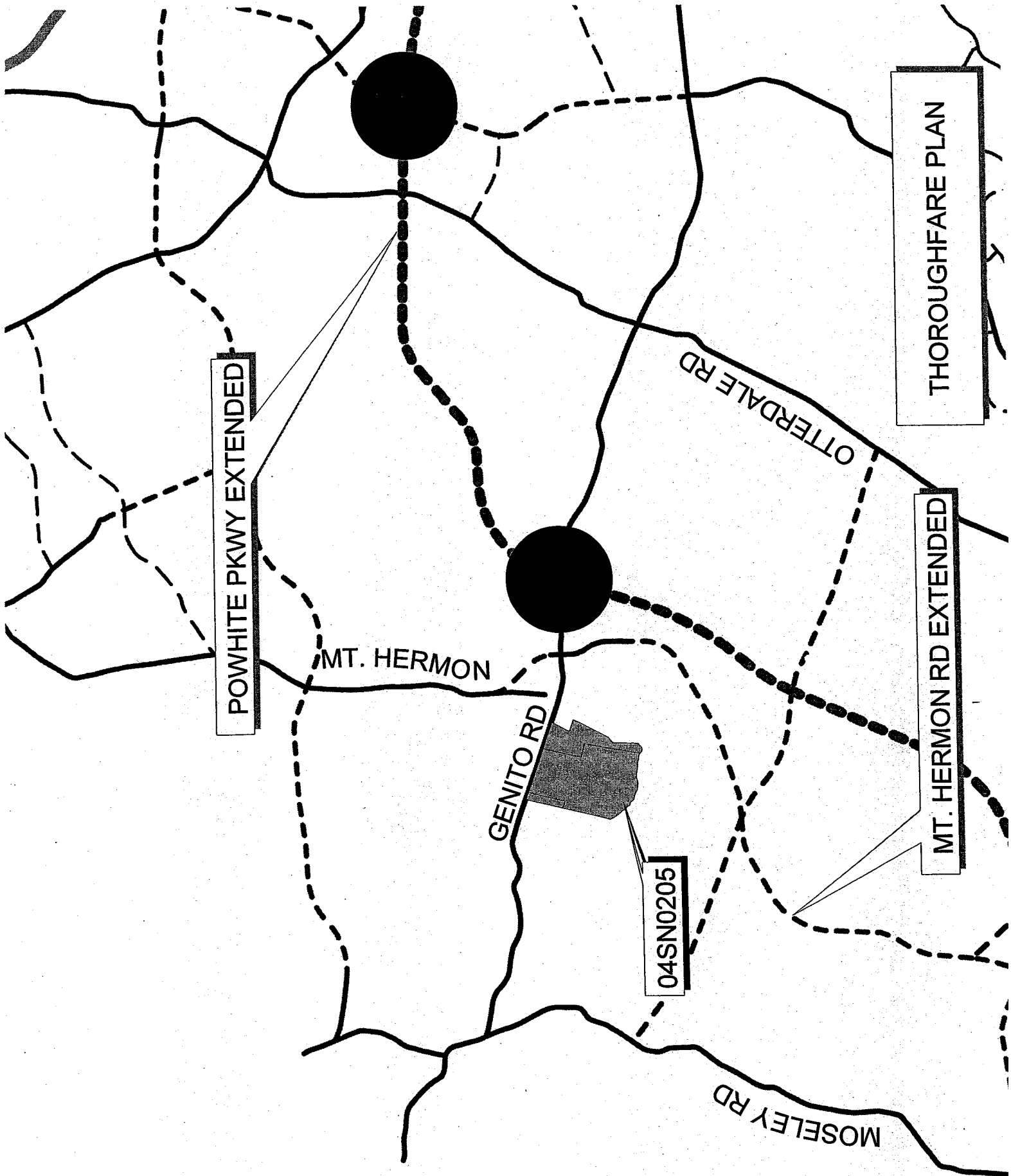
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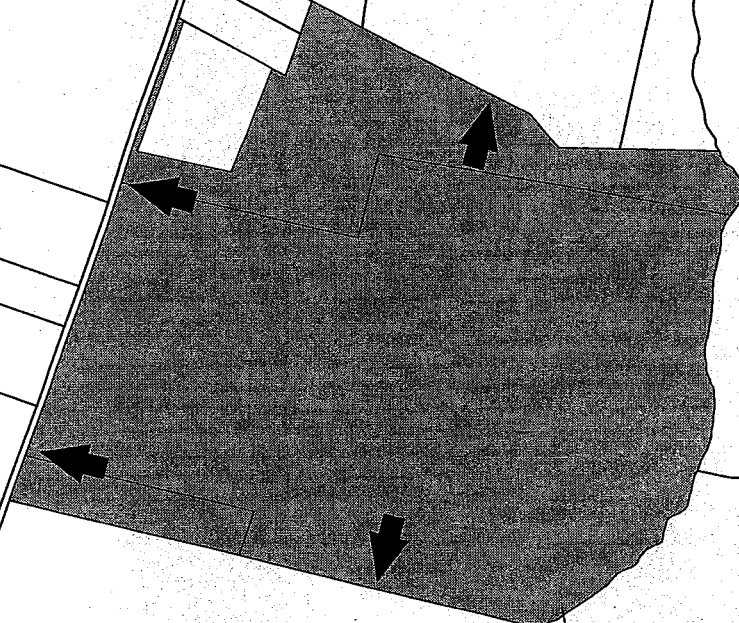
NORTH



GENITO RD

BAILEY FARM RD

MT. HERMON RD



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MT. HERMON RD EXTENDED

POSSIBLE ACCESS LOCATION



2-5020NS40